

In Title 3, Division 4, adopt Chapter 7, Subchapter 1, Sections 4600-4603 to read:

**Chapter 7. Miscellaneous Rulings**

**Subchapter 1. Service Charges**

**Section 4600. General Provisions.**

(a) The department may provide analytical, diagnostic, inspection, testing and other non-regulatory services related to nursery stock, plants, seed, or other plant pests and diseases on a charge-for-service basis.

(b) Service charges may include the approximate hourly labor costs of the involved departmental staff, including prorated staff benefits and departmental overhead costs, the cost of any shipping, handling, supplies, equipment and materials; and mileage, travel and per diem pursuant to the State's per diem travel rules, and required to provide the service.

(c) This subchapter establishes the department's schedule of charges as provided in Sections 5851 and 5852, Food and Agricultural Code.

(d) The department shall provide a diagnostic result within ten working days of receipt of a nematology, entomology or plant taxonomy sample/specimen or shall notify the client of an estimated time for the delivery of diagnostic results if a period of time longer than ten working days will be required.

(e) The department shall provide a diagnostic result within 35 working days of receipt of a plant pathology sample/specimen or shall notify the client of an estimated time for the delivery of diagnostic results if a period of time longer than 35 working days will be required.

(f) The identification of a pest not known to occur in the United States or California, or a pest that is of limited or wide but not general distribution in California shall be reported to the appropriate federal or state plant pest prevention officials.

(g) The client may establish an account with the department from which fees for services rendered by the department may be debited or the service charges established by this subchapter shall be payable after the service has been provided and billed by the department.

(h) Payments not received within 30 calendar days of the date of billing shall be considered late. Payments post-marked on the 30<sup>th</sup> calendar day shall be considered to be on time. Once late, a late charge of 10% of the total amount billed or amount unpaid shall be assessed and added to the bill.

(i) The department may refuse services for any client who has not paid a previously submitted bill or when there is a lack of qualified staff to provide requested service.

Authority: Sections 407, 5851 and 5852, Food and Agricultural Code

Reference: Sections 407, 5851 and 5852, Food and Agricultural Code

### **Section 4601. Disclaimer of Liability and Financial Responsibility.**

(a) The department shall not guarantee the accuracy, level or timeliness of its diagnostic results; or that it can provide diagnostic services for every request or sample or specimen submitted or obtained.

(b) If the department cannot perform the requested diagnostics, the client shall be contacted and consulted about what action she/he prefers, and informed of any additional time or costs that might be involved if samples or specimens would have to be sent to an outside vendor/specialist for diagnostics.

(c) The department shall not be responsible for shipping costs or samples that are inadequate, lost, not delivered, damaged during transport, decayed or otherwise unfit or unusable for the requested service or for the costs of shipping samples requested by the shipper to be returned.

Authority: Sections 407 and 5852, Food and Agricultural Code

Reference: Sections 407 and 5852, Food and Agricultural Code

### **Section 4602. Payment For Services Provided.**

(a) The department shall establish a schedule of charges for the services described in this subchapter based upon the approximate cost of the service rendered.

(b) The department may charge additional fees, upon approval by the client, when due to conditions, or number of samples and/or determinations made, the fees established will not cover the cost of the service as described.

(c) A client may request a refund of any funds that the client deposited in an account with the department.

Authority: Sections 407, 5851 and 5852, Food and Agricultural Code

Reference: Sections 407, 5851 and 5852, Food and Agricultural Code

### **Section 4603. Schedule of Charges.**

The Secretary of Food and Agriculture, pursuant to Section 5852 of the Food and Agricultural Code, establishes the following schedule of charges for analytical, diagnostic, inspection, testing and other non-regulatory services related to nursery stock, plants, seed, or other plant pests and diseases.

(a) The hourly charge for requested diagnostics or scientific consultations which require travel is \$60 per hour portal to portal, plus any car mileage at \$0.35 per mile, air fare, meals and lodging pursuant to the State's per diem travel rules.

(b) Nematology

(1) The charge for processing and providing diagnostics for an unprocessed nematode sample is \$40.

(2) The charge for diagnostics of processed and preserved nematode samples is \$20.

(c) Entomology and Plant Taxonomy

(1) The charge per specimen for diagnostics of arthropods or plants in quantities of ten specimens or less is \$20 regardless of the level of taxonomic determination.

(2) The charge for processing multiple samples of 11 or more specimen determinations will be \$60 per hour plus the cost of any materials that might be required.

(d) General Pathology

(1) The general plant pathology per diagnosis charge for up to ten samples is \$20 regardless of the level of taxonomic determination.

(2) The general plant pathology per diagnosis charge for multiple sample submissions of 11 or more specimens is \$60 per hour plus the cost of any materials that might be required.

(3) The general plant pathology per diagnosis charge involving the use of an electron microscope is \$160 per hour plus the cost of any materials that might be required.

(e) Seed Pathology

For seeds of the same kind in the same sample:

(1) Seed blotter tests are \$35 for 400 seeds and \$60 for 1000 seeds.

(2) An agar plate test of 400 seeds for fungal pathogens is \$35.

(3) An extraction and plating test for the first bacterial pathogen is \$125 and \$25 for each additional bacterial pathogen.

(4) A Potato Spindle Tuber Viroid DNA hybridization test is \$250.

(5) Enzyme-linked immunosorbant assay (ELISA) tests are \$60 for 400 seeds and \$85 for 1200 seeds.

(6) A centrifuge wash and microscopy test is \$35.

(7) A grow-out test is \$125.

(8) A bioassay test for the presence of a fungicide substance on seeds is \$35.

(9) Specific crop seed:

<u>Crop/Disease</u>	<u>Pathogen</u>	<u>Cost</u>	<u>Test duration</u>	<u>Minimum sample size</u>
<u>ALFALFA</u>				
<u>Bacterial wilt</u>	<u><i>Clavibacter michiganensis</i></u>			
	<u>subsp. <i>insidiosus</i></u>	\$125	2-5 weeks	30,000 nontreated seed
<u>Bacterial leafspot</u>	<u><i>Xanthomonas campestris</i></u>			
	<u>pv. <i>alfalfae</i></u>	\$125	2-5 weeks	30,000 nontreated seed
<u>Spring black stem</u>	<u><i>Phoma medicaginis</i></u>	\$35	2 weeks	500 nontreated seed
<u>Verticillium wilt</u>	<u><i>Verticillium albo-atrum</i></u>	\$35	2-5 weeks	2000 nontreated seed
<u>Alfalfa mosaic virus</u>	<u>Alfalfa mosaic virus</u>	\$85	3 weeks	2000 nontreated seed
<u>ASPARAGUS</u>				
<u>Asparagus latent virus</u>	<u>Asparagus latent virus</u>	\$100	2 weeks	500 nontreated seed
<u>BASIL</u>				
<u>Fusarium wilt</u>	<u><i>Fusarium oxysporum</i></u>	\$35	2-6 weeks	500 nontreated seed
	<u>f. sp. <i>basilicum</i></u>			
<u>BEAN and OTHER LEGUMES</u>				
<u>Bacterial wilt</u>	<u><i>Curtobacterium flaccumfaciens</i></u>			
	<u>pv. <i>flaccumfaciens</i></u>	\$125	2-5 weeks	30,000 nontreated seed
<u>Common blight</u>	<u><i>Xanthomonas campestris</i></u>			
	<u>pv. <i>phaseoli</i></u>	\$125	2-5 weeks	30,000 nontreated seed
<u>Halo blight</u>	<u><i>Pseudomonas syringae</i></u>			
	<u>pv. <i>phaseolicola</i></u>	\$125	2-5 weeks	30,000 nontreated seed
<u>Bacterial brown spot</u>	<u><i>Pseudomonas syringae</i></u>			
	<u>pv. <i>syringae</i></u>	\$125	2-5 weeks	30,000 nontreated seed
<u>Diaporthe</u>	<u><i>Diaporthe/Phomopsis</i> spp.</u>	\$35	2-5 weeks	500 nontreated seed
<u>Purple seed stain</u>	<u><i>Cercospora</i> spp.</u>	\$35	2-5 weeks	500 nontreated seed
<u>Tobacco ringspot virus</u>	<u>Tobacco ringspot virus</u>	\$60	1 week	500 nontreated seed
<u>Tomato ringspot virus</u>	<u>Tomato ringspot virus</u>	\$60	1 week	500 nontreated seed
<u>BEET</u>				
<u>Verticillium wilt</u>	<u><i>Verticillium dahliae</i></u>	\$ 35	2-3 weeks	500 nontreated seed
<u>Cercospora leaf spot</u>	<u><i>Cercospora beticola</i></u>	\$ 35	2-3 weeks	500 seed
<u>Bacterial leafspot</u>	<u><i>Pseudomonas apata</i></u>	\$125	3-5 weeks	2000 seed

## CARROT and CORRIANDER

Bacterial blight	<i>Xanthomonas campestris</i>			
	<i>pv. carotae</i>	\$125	2-5 weeks	30,000 nontreated seed
Leaf spot	<i>Pseudomonas syringae</i>	\$125	2-5 weeks	30,000 nontreated seed
Alternaria leaf blight	<i>Alternaria dauci</i>	\$60	2 weeks	2000 nontreated seed
Black rot	<i>Alternaria radicina</i>	\$60	2 weeks	2000 nontreated seed

## CELERY

Alternaria leaf spot	<i>Alternaria dauci</i> [=A. <i>porri</i> ]	\$60	2 weeks	2 g nontreated seed
Late blight	<i>Septoria apiicola</i>	\$35	1 week	4 g nontreated seed
Root rot of celery	<i>Phoma apiicola</i>	\$125	2-5 weeks	2000 seed

## CLOVER

Bacterial wilt	<i>Clavibacter michiganensis</i>			
	subsp. <i>insidiosus</i>	\$125	2-5 weeks	30,000 nontreated seed

## CORN

Diplodia	<i>Stenocarpella macrospora</i>	\$35	2-4 weeks	500 seed
	[= <i>Diplodia macrospora</i> ]			

## COTTON

Bacterial angular	<i>Xanthomonas campestris</i>			
leafspot	<i>pv. malvacearum</i>	\$125	6-8 weeks	1200 nontreated seed
		\$175	6-8 weeks	1200 treated seed
Anthrachnose	<i>Glomerella gossypii</i> [anamorph			
	<i>Colletotrichum gossypii</i> ]	\$125	3 weeks	1200 nontreated seed
		\$175	3 weeks	1200 treated seed
Fusarium wilt (FOV)	<i>Fusarium oxysporum f. sp.</i>	\$35	2-5 weeks	500 nontreated seed
	<i>vasinfectum</i>			

## CRUCIFERS (Cabbage, broccoli, etc.)

Alternaria leaf spots	<i>Alternaria spp.</i>	\$60	2 weeks	1000 nontreated seed
Black leg	<i>Phoma lingam</i>	\$35	3 weeks	500 nontreated seed
Rhizoctonia	<i>Rhizoctonia spp.</i>	\$35	2 weeks	50g/16,000 nontreated seed
White mold	<i>Sclerotinia spp.</i>	\$35	2 weeks	500 nontreated seed
Bacterial leafspot	<i>Pseudomonas syringae</i>			
	<i>pv. maculicola</i>	\$125	2-5 weeks	30,000 nontreated seed

Black rot	<i>Xanthomonas campestris</i>			
	<i>pv. campestris</i>	\$125	2-5 weeks	30,000 nontreated seed
<u>CUCURBITS (squash, melon, cucumber, watermelon, etc.)</u>				
Bacterial angular	<i>Pseudomonas syringae</i>			
leafspot	<i>pv. lachrymans</i>	\$125	2-5 weeks	2,000 nontreated seed
Fruit blotch	<i>Acidovorax avenae</i> subsp.			
	<i>citrulli</i>	\$500	3-6 weeks	30,000 seed
Anthrachnose	<i>Colletotrichum orbiculare</i>	\$125	2-5 weeks	2,000 nontreated seed
Fusarium diseases	<i>Fusarium</i> spp.	\$35	2-5 weeks	500 nontreated seed
Gummy stem blight	<i>Didymella bryoniae</i>	\$125	2-5 weeks	2,000 nontreated seed
Scab	<i>Cladosporium cucumerinum</i>	\$35	2-5 weeks	500 nontreated seed
Squash mosaic virus	Squash mosaic virus	\$85	5 weeks	1200 seed
<u>EGGPLANT</u>				
Fusarium wilt	<i>Fusarium oxysporum</i>	\$35	2-5 weeks	500 nontreated seed
<u>GRASSES and GRAINS</u>				
Blind seed	<i>Gloeotinia temulenta</i>	\$35	2-5 weeks	50 g nontreated seed
Ergot of grasses	<i>Claviceps purpurea</i>	\$35	1 week	500 nontreated seed
Foot rot of grasses	<i>Drechslera sorokiniana</i>	\$35	2 weeks	500 nontreated seed
Root rot	<i>Cochliobolus sativus</i>	\$35	2 weeks	500 nontreated seed
<u>LETTUCE</u>				
Bacterial leafspot	<i>Xanthomonas campestris</i>			
	<i>pv. vitians</i>	\$125	2-5 weeks	30,000 nontreated seed
Septoria leaf spot	<i>Septoria lactucae</i>	\$35	1 week	30,000 nontreated seed
Lettuce mosaic virus	Lettuce mosaic virus	\$160	1 week	30,000 nontreated seed
<u>ONION (leeks, etc.)</u>				
Botrytis diseases	<i>Botrytis</i> spp.	\$35	2 weeks	500 g nontreated seed
Onion smut	<i>Urocystis magica</i>	\$35	1 week	50 g nontreated seed
White rot	<i>Sclerotium cepivorum</i>	\$35	2 weeks	80 g nontreated seed
<u>PARSLEY</u>				
Alternaria leaf spot	<i>Alternaria dauci</i> [=A. porri]	\$60	2 weeks	2 g nontreated seed
Late blight	<i>Septoria apiicola</i>	\$35	1 week	15 g nontreated seed

## PEPPER

Bacterial speck	<i>Pseudomonas syringae</i>			
	<i>pv. tomato</i>	\$125	2-5 weeks	30,000 nontreated seed
Bacterial spot	<i>Xanthomonas campestris</i>			
	<i>pv. vesicatoria</i>	\$125	2-5 weeks	30,000 nontreated seed
Anthracnose, ripe rot	<i>Colletotrichum spp.</i>	\$35	2-5 weeks	500 nontreated seed
Tobacco mosaic virus	Tobacco mosaic virus	\$60	1 week	500 nontreated seed
Tomato ringspot virus	Tomato ringspot virus	\$60	1 week	500 nontreated seed

## RICE

Brown leafspot	<i>Drechslera oryzae</i>	\$35	2 weeks	500 nontreated seed
Rice blast	<i>Pyricularia grisea</i>	\$35	2 weeks	500 nontreated seed
Smut	<i>Tilletia horida</i>	\$35	1 week	100 g nontreated seed

## SAFFLOWER

Fusarium wilt	<i>Fusarium oxysporum</i>			
	<i>f. sp. carthami</i>	\$35	2-5 weeks	500 nontreated seed
Rust	<i>Puccinia carthami</i>	\$35	2 weeks	500 nontreated seed

## SPINACH

Leaf spot	<i>Colletotrichum dematium</i>	\$60	2-3 weeks	1000 nontreated seed
	<i>f. sp. spinaciae</i>			
Verticillium wilt	<i>Verticillium dahliae</i>	\$35	2-3 weeks	500 nontreated seed

## SUNFLOWER

Alternaria leaf blight	<i>Alternaria spp.</i>	\$35	3 weeks	500 nontreated seed
Downy mildew	<i>Plasmopara halstedii</i>	\$125	4-5 weeks	500 nontreated seed
Fusarium wilt or stalk rot	<i>Fusarium spp.</i>	\$35	2-5 weeks	500 nontreated seed
Septoria leaf spot	<i>Septoria helianthi</i>	\$35	3 weeks	500 nontreated seed
Verticillium wilt	<i>Verticillium spp.</i>	\$35	3 weeks	500 nontreated seed

## TOMATO

Bacterial speck	<i>Pseudomonas syringae</i>			
	<i>pv. tomato</i>	\$125	2-5 weeks	30,000 nontreated seed
Bacterial spot	<i>Xanthomonas campestris</i>			
	<i>pv. vesicatoria</i>	\$125	2-5 weeks	30,000 nontreated seed
Bacterial wilt	<i>Clavibacter michiganensis</i>			
	<i>subsp. michiganensis</i>	\$125	2-5 weeks	30,000 nontreated seed

Fusarium root rot	<i>Fusarium oxysporum</i>			
	f. sp. <i>radicis-lycopersici</i>	\$35	2-5 weeks	500 nontreated seed
Fusarium wilt	<i>Fusarium oxysporum</i>			
	f. sp. <i>lycopersici</i>	\$35	2-5 weeks	500 nontreated seed
Tobacco mosaic virus	Tobacco mosaic virus	\$60	1 week	500 nontreated seed
Tobacco ringspot virus	Tobacco ringspot virus	\$60	1 week	500 nontreated seed
Tomato mosaic virus	Tomato mosaic virus	\$60	1 week	500 nontreated seed
Tomato ringspot virus	Tomato ringspot virus	\$60	1 week	500 nontreated seed
Potato Spindle Tuber	PSTVd	\$250	3 weeks	1000 seed
	Viroid (PSTVd)			

#### WHEAT and OTHER GRAINS

Glume blotch	<i>Leptosphaeria nodorum</i>	\$35	2-5 weeks	500 nontreated seed
Dwarf Bunt	<i>Tilletia controversa</i> (Tck)	\$35	1 week	250 g nontreated seed
Flag Smut	<i>Urocystis agropyri</i> (U.a.)	\$35	1 week	250 g nontreated seed
Karnal Bunt	<i>Tilletia indica</i> (T.i.)	\$35	1 week	250 g nontreated seed
Smuts and bunts	Tck + U.a. +T.i.	\$50	1 week	250 g nontreated seed

Authority: Sections 407, 5851 and 5852, Food and Agricultural Code

Reference: Sections 407, 5851 and 5852, Food and Agricultural Code